

**Town of Sutton  
Zoning Board of Adjustment**

**Application Information**

**I. General Information**

1. You must submit an application in writing on the form(s) approved by the Zoning Board of Adjustment requesting a hearing for the granting of a special exception, variance, appeal from an administrative decision or an equitable waiver of dimensional requirements before the Board will meet and make a determination.
2. Applicants must include a copy of any orders, notices of violation or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property concerned in the application to the Zoning Board of Adjustment.
3. The applicant must submit a list of abutters who border the property for which the action of the Zoning Board of Adjustment is requested. The list must contain the current mailing address for each abutter.
4. The list of abutters together with their mailing address may be obtained from the records on file at the Town Office. The list is your responsibility to obtain.
5. You must provide a check made out to the Town of Sutton, at the time of filing, to cover the cost of all certified mailings to abutters, newspaper ads as well as a filing fee. Please refer to the Fee Schedule section. All checks should be made payable to the Town of Sutton and mailed to PO Box 487, North Sutton, NH 03260.

**II. Application Requirements**

1. Deadline for application submittal is 30 days prior to the hearing. The Board meets the third Wednesday of the month. Applications due the 15<sup>th</sup> of the prior month. Please submit 9 copies of all material.

**III. Process**

1. Fill out the Application for Appeal completely.
2. Provide a list of names and addresses of all abutters, their tax map and lot(s) numbers. (Resources are available at the Town Hall).
3. Carefully review the Appeal Checklist requirements.

**IV. After Receipt of Application**

1. After your application is received and deemed to be complete, a hearing date will be set. A public notice will appear in the local newspaper, it will also be posted at various town sites and abutters will be notified by certified mail. You, as the applicant, will be notified by certified mail. Should other expenses be incurred (i.e. photocopying, extra postage etc.) an invoice will be included with your notice.
2. If your application is incomplete, your application will be returned to you for completion. Please ask the Land Use Coordinator to help you if needed.

## **V. Type of Appeal**

If your request does require a Zoning Board of Adjustment hearing, it will fall into one of the following categories: Appeal from an Administrative Decision; Request for a Special Exception; Request for a Variance.

### **1. Appeal from an Administrative Decision**

If you have been denied a building permit or are affected by some other decision regarding the administration of the Sutton Zoning Ordinance, Site Plan Review Regulations or Land Subdivision Control Regulations, you may appeal the decision to the Zoning Board of Adjustment. The appeal must be made within 20 days of the decision, according to the Rules of Procedure of the Town of Sutton's Zoning Board of Adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

If you are appealing an administrative decision, a copy of the decision appealed for must be attached to the application.

### **2. Special Exception**

Certain sections of the Zoning Ordinance provide that uses, buildings or activities in a particular zone will be permitted by special exception if specified conditions are met. Your appeal for a special exception will be granted if you can show that the conditions stated in the ordinance are met

### **3. Variance**

A variance is an authorization, which may be granted, to use your property in a way that is not permitted under the terms of the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets all of the conditions listed in the application.

## **VI. Commercial use of Property**

If you are applying for a commercial use of property in Sutton, please include a letter with your application describing the following:

1. Hours of Operation.
2. Plan for Parking.
3. Number of Employees.
4. Proposed Signage.
5. Exterior Lighting – Locations/Hours.
6. Increase in traffic due to your business, number of deliveries daily, etc.
7. Plans for Expansion.
8. Any waste products produced as a result of your commercial activity.

For questions or assistance in completing these forms, please contact:

Jennifer Swett, Land Use Coordinator: 603-927-4115 [suttonlanduse@tds.net](mailto:suttonlanduse@tds.net)

Zoning Board of Adjustment Members: William Hallahan (Chair), Ed Canane, Doug Sweet, Dane Headley,  
Derek Lick, Carla Krajewski

**Town of Sutton  
Zoning Board of Adjustment**

**Appeal Instructions/Checklist**

Applicant's Name \_\_\_\_\_

First, determine if your proposed appeal belongs before the Zoning Board of Adjustment (ZBA). It may come under the jurisdiction of the Planning Board. You can check this by looking at the Sutton Zoning Ordinance at the Town Hall or online at the Town of Sutton's website. If your request requires a ZBA hearing, please fill out the application and attach this checklist.

The Application for Appeal must be filled out in pen or ink (no pencil).

Please provide 9 (nine) copies of **ALL** documents.

Your application may be returned if all required information is not provided.

**Checklist:**

You must include the following:

1. This Checklist
2. Application For a Variance/Special Exception
3. A list of the names and addresses of all abutters and their tax map numbers.
4. A check payable to the Town of Sutton/ZBA (see fee schedule)
5. The Special Exception or Variance Criteria sheet filled out. One for each request.
6. Map/Sketch to include:
  - Must be to scale and clearly indicate where the site is located and what is proposed.
  - Show "for the lot of record" the boundary lines – exact footage on all sides.
  - Name of the road the lot fronts on.
  - North/South arrow.
  - Clearly mark names and tax map numbers of all abutters placed on the proper lot
  - Locations around the lot of record (see tax maps).
  - Clearly mark location of water wells with "W", and septic leach beds with "S".
  - Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures, distance from the center line of the road and distance from abutter's property line.
  - Clearly mark location of any bodies of water, wetlands, culverts or stone walls and clearly label distances to existing structures.
  - For a proposed structure, include all of the above and a floor plan with dimensions, (length, width and height).

**Application Fees: (Check made out to "Town of Sutton", and note "ZBA Application")**

|   |           |
|---|-----------|
| Alteration or addition to existing residence or out building                            | \$ 50.00  |
| New residence or out building, including temporary trailer                              | \$ 75.00  |
| New business or industry, or alteration or addition to an existing business or industry | \$ 100.00 |
| Personal Wireless Service Facility  | \$ 250.00 |
| Certified Mailers – Per Abutter/Applicant   | \$ 7.00   |
| Newspaper Advertisement   | \$ 30.00  |
| Merrimack County Registry of Deeds Recording Fees and other fees may apply              |           |

Mail to: Town of Sutton - ZBA, PO Box 487, North Sutton, NH 03260

Hearing Date: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Date Granted/Denied/Withdrawn: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_ Acreage: \_\_\_\_\_

Registry of Deeds Book #: \_\_\_\_\_ Page #: \_\_\_\_\_

Zoning District (circle one):      Residential District      or      Rural Agricultural District

The undersigned hereby requests a (Circle one) Variance/ Special Exception in accordance with Article \_\_\_\_\_, Section \_\_\_\_\_, of the Sutton Zoning Ordinance in order to:

(Describe the proposal in detail. Use a separate sheet of paper if necessary).

[illegible]

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Co-signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Town of Sutton  
Zoning Board of Adjustment**

**Abutter(s) List**

**1 - Map/Lot #** \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

**2 - Map/Lot #** \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

**3 - Map/Lot #** \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

**4 - Map/Lot #** \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

**5 - Map/Lot #** \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

**6 - Map/Lot #** \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

VARIANCE CRITERIA  
Town of Sutton Zoning Board of Adjustment

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
  - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
  - (ii) The proposed use is a reasonable one.

SPECIAL EXCEPTION CRITERIA  
Town of Sutton Zoning Board of Adjustment

1. The site is an appropriate location for the use or structure.
2. The use will not be detrimental, injurious, noxious or offensive to the neighborhood.
3. There will be no undue nuisance or serious hazard to vehicular or pedestrian traffic.
4. Adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use or structure.
5. The proposed use or structure is consistent with the spirit of the ordinance.